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Patent  
Attorney's Docket No. 022650-685  
JC835 U.S. PRO  
10/023839  
12/21/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/000,062 filed on May 29, 1998, for ISOLATED DNA SEQUENCE CAPABLE OF SERVING AS REGULATORY ELEMENT IN A CHIMERIC GENE WHICH CAN BE USED FOR THE TRANSFORMATION OF PLANTS, by the following named inventors:

- (a) Full Name Richard DEROSE  
(b) Full Name Nicole CHAUBET  
(c) Full Name Claude GIGOT

☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name  
(b) Full Name  
(c) Full Name

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.



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(12/01)

- (a) Full Name \_\_\_\_\_  
(b) Full Name \_\_\_\_\_  
(c) Full Name \_\_\_\_\_

☐ Applicant(s) suggests Figure \_ for inclusion on the front page of the patent application publication and/or patent.

1. ☒ Enclosed is a copy of the prior Application No. 09/000,062 as originally filed on May 29, 1998, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00 (101)
Total Claims	1	MINUS 20 =	0	× \$18.00 (103) =	-0-
Independent Claims	1	MINUS 3 =	0	× \$84.00 (102) =	-0-
If multiple dependent claims are presented, add \$280.00 (104)					
Total Application Fee					\$740.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$_ if Assignment document is enclosed					
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$740.00</b>

5. ☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
6. ☒ A check in the amount of \$740.00 is enclosed for the fee due.
7. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8. ☒ Cancel in this application original claims 2-24 of the prior application before calculating the filing fee.

9. ☐ New drawings are enclosed.
10. ☒ Priority of Application No. 95/08980 on July 19, 1995 in France is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the priority application
- ☐ is enclosed.
- ☒ was filed in International Application No. PCT/FR96/01109 on July 17, 1996, and acknowledged by the Examiner in the Form PCT/DO/EO/905 on April 30, 1998.
- ☐ has not yet been filed.
11. ☒ Please amend the specification by inserting before the first line the sentence:
- ☐ --This application is a ☐ continuation ☐ divisional of Application No. \_\_, filed on \_\_.--.
- ☒ --This application is a ☒ continuation ☐ divisional of U.S. Application No. 09/000,062, filed on May 29, 1998, which was a national stage filing under 35 U.S.C. § 371 of International Application No. PCT/FR96/01109 filed on July 17, 1996, which International Application ☐ was ☒ was not published by the International Bureau in English on \_\_\_\_.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. \_\_, filed on \_\_, which was a continuation of International Application No. \_\_, filed on \_\_, which International Application ☐ was ☐ was not published by the International Bureau in English on \_\_.--.
12. ☒ A preliminary amendment is enclosed.
13. ☒ An Information Disclosure Statement is enclosed.
14. ☒ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. ☒ Also enclosed is a Sequence Listing.
16. ☒ The power of attorney in the prior application is to Norman H. Stepno and other attorneys at Burns, Doane, Swecker & Mathis, L.L.P.
- a. ☐ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Recognize as Associate Attorney Susan M. Dadio, Reg. No. 40,373.

- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Norman H. Stepno  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: December 21, 2001

By: Nicole E. Kenney <sup>Reg. No. P50,723</sup> <sub>for</sub>  
Norman H. Stepno  
Registration No. 22,716

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

- ☐ inventor(s)  
☐ assignee of complete interest  
☒ attorney or agent of record  
☐ filed under 37 C.F.R. § 1.34(a)